



W.P.(MD)Nos.7050 & 7051 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.7050 & 7051 of 2012
and MP(MD)Nos.1 & 1 of 2012

M/s Aruppukottai Shri Ramalinga Spinners
Private Limited,
rep. by its Director,
T.R.Dhinakaran

... Petitioner in WP(MD)No.7050 of 2012

M/s Shri Ramalinga Mills Limited,
rep. by its Chairman,
T.R.Dhinakaran

... Petitioner in WP(MD)No.7051 of 2012

Vs

1. Tamil Nadu Electricity Regulatory Commission,
Repd, by its Secretary,
19-A, Rukmini Lakshmipathy Salai,
Marshalls Road, Egmore, Chennai 8.

2. The Chairman,
Tamil Nadu Generation and Distribution,
144, Anna Salai, Chennai 2.

3. The Superintending Engineer,,
Virudhunagar Electricity Distribution Circle,
TANGEDCO, Virudhunagar.

... Respondents in both cases



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COMMON PRAYER :-Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third Respondent in his Bill Nos. 199 and 259, dated 04.05.2012, in so far as, it relates to levy of current consumption charges for the period 26.03.2012 to 31.03.2012 applying the revised tariff rates from 01.04.2012 as per the TNERC, the first respondent herein Tariff Order No. 1 of 2012 dated 30.03.2012 quash the same as illegal, arbitrary, without the authority of law and consequently direct the third Respondent to issue a revised Bill by not applying the revised tariff rates for the period 26.03.2012 to 31.03.2012.

In both cases:

For Petitioner : Mr.N.Sudalaimuthu

For Respondents : Mr.S.Deenadhayalan

COMMON ORDER

The present Writ Petitions have been filed challenging the current consumption bills raised by the respondent Electricity Board in May, '2012.

2.According to the learned counsel appearing for the petitioner Mill, as per the old tariff, for industrial consumption, the



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charges were levied @ Rs.4.00/- per unit. The charges were enhanced w.e.f. 01.04.2012 and the new tariff was fixed at Rs.5.50/- per unit. The impugned bills have been raised by the respondent/Board on 04.05.2012, covering the period of consumption between 26.03.2012 and 25.04.2012. Hence, it is clear that the period covered under the bills fall under two tariff periods. The respondent's Board would be entitled to collect only Rs.4.00/- per unit for the dates between 26.03.2012 and 31.03.2012 and only for the consumption made between 01.04.2012 and 25.04.2012, the Board would be entitled to collect at the new enhanced tariff, ie., @ Rs. 5.50/- per unit. However, the impugned bills have been raised, taking the entire consumption period under new tariff, ie., Rs.5.50/- per unit. Hence, impugned bills are under challenge.

3.Per contra, the learned counsel for the respondents submitted that the petitioner was getting electricity from various sources. When the sources are deducted from the quantum of electricity consumed from Electricity Board, it has to be presumed that the petitioner has consumed electricity from the Grid belonging to the Board also, for the period from 26.03.2012 to 26.04.2012.



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4.Even assuming that the said counter is correct for the current consumed by the petitioner Mill, the charges could not have been calculated at the enhanced rate, which was enhanced only from 01.04.2012.

5.In view of the said discussion, the impugned current consumption bill Nos. 199 and 259, dated 04.05.2012 are hereby set aside, only to the extent of charging @ Rs.5.50/- per unit for the period from 26.03.2012 to 31.03.2012 and the billable tariff @ Rs.4.00/- per unit. In all other aspects, the impugned bills are confirmed. If the demanded enhanced amount has already been paid by the petitioners, the same shall be adjusted in the future bills.

6.With the above directions, these writ petitions are partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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R.VIJAYAKUMAR, J.

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